I. AMENDMENT

In the Claims:

The following listing of claims will replace all prior versions and listings of the claims in the application:

1. (Original) A method of treating a subject with recurrent cancer comprising:

(a) selecting a patient based on

(i) prior treatment of cancer with surgery or first radio- or chemotherapy; and

(ii) recurrence of cancer subsequent to said treatment,

(b) administering to said subject an expression construct comprising a nucleic acid segment encoding p53, said segment under the control of a promoter active in a cancer cell of said subject, said expression construct expressing p53 in said cancer cell; and

(c) subsequent to step (b), administering to said subject a second radio- or chemotherapy,

whereby said expression construct sensitizes said cancer cell to said second radio- or chemotherapy, thereby treating said cancer.

2. (Original) The method of claim 1, wherein said first radio- or chemotherapy and said second radio- or chemotherapy are the same.

3. (Original) The method of claim 1, wherein said first radio- or chemotherapy and said second radio- or chemotherapy are different.

4. (Original) The method of claim 1, wherein said first and/or second radio- or chemotherapy is a chemotherapy.

5. (Original) The method of claim 4, wherein said chemotherapy comprises administration of a drug is selected from the group consisting of busulfan, chlorambucil, cisplatinum, carboplatinum, oxiplatin cyclophosphamide, dacarbazine, ifosfamide, mechlorethamine,

melphalan, 5-FU, Ara-C, fludarabine, gemcitabine, methotrexate, doxorubicin, bleomycin, dactinomycin, daunorubicin, idarubicin, mitomycin C, docetaxel, taxol, etoposide, paclitaxel, vinblastine, vincristine, vinorelbine, camptothecin, carmustine, and lomustine.

6. (Original) The method of claim 1, wherein said first and/or second radio- or chemotherapy is a radiotherapy.

7. (Original) The method of claim 5, wherein said radiotherapy is selected from the group consisting of x-rays, gamma rays, or microwaves.

8. (Original) The method of claim 1, wherein said cancer is selected from the group consisting of brain cancer, head & neck cancer, esophageal cancer, tracheal cancer, lung cancer, liver cancer stomach cancer, colon cancer, pancreatic cancer, breast cancer, cervical cancer, uterine cancer, bladder cancer, prostate cancer, testicular cancer, skin cancer, rectal cancer lymphoma and leukemia.

9. (Original) The method of claim 1, wherein said expression construct is a viral expression construct.

10. (Original) The method of claim 9, wherein said viral expression construct is a retroviral construct, a herpesviral construct, an adenoviral construct, an adeno-associated viral construct, or a vaccinia viral construct.

11. (Original) The method of claim 10, wherein said viral expression construct is a replication-competent virus.

12. (Original) The method of claim 10, wherein said viral expression construct is a replication-defective virus.

13. (Original) The method of claim 1, wherein said expression construct is a non-viral expression construct.

14. (Original) The method of claim 13, wherein said non-viral expression construct is comprised within a lipid vehicle.

15. (Original) The method of claim 1, wherein said promoter is selected from CMV IE, RSV LTR, β-actin, Ad-E1, Ad-E2 or Ad-MLP.

16. (Original) The method of claim 1, wherein the time period between steps (b) and (c) is about 24 hours.

17. (Original) The method of claim 1, wherein the time period between steps (b) and (c) is about 2 days.

18. (Original) The method of claim 1, wherein the time period between steps (b) and (c) is about 3 days.

19. (Original) The method of claim 1, wherein the time period between steps (b) and (c) is about 7 days.

20. (Original) The method of claim 1, wherein the time period between steps (b) and (c) is about 14 days.

21. (Original) The method of claim 1, wherein the time period between steps (b) and (c) is about 1 month.

22. (Original) The method of claim 1, wherein the time period between steps (b) and (c) is about 2 months.

23. (Original) The method of claim 1, wherein the time period between steps (b) and (c) is about 3 months.

24. (Original) The method of claim 1, wherein the time period between steps (b) and (c) is about 6 months.

25. (Original) The method of claim 1, wherein recurrence is recurrence at a primary tumor site.

26. (Original) The method of claim 1, wherein recurrence is recurrence at a metastatic site.

27. (Original) The method of claim 1, wherein said subject has had surgical resection prior to step (b).

28. (Original) The method of claim 1, further comprising surgical resection following step (c).

29. (Original) The method of claim 1, wherein administering in step (b) is selected from the group consisting of intratumoral, to a tumor vasculature, local to a tumor, regional to a tumor, and systemic.

30. (Original) The method of claim 1, wherein administering in step (c) is selected from the group consisting of intratumoral, to a tumor vasculature, local to a tumor, regional to a tumor, and systemic.